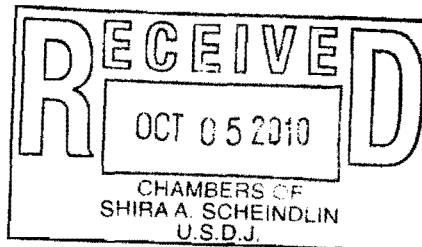


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October 5, 2010

The Honorable Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, NY 10007

Marcella Ballard  
Tel: +1 212 626 4664  
Marcella.Ballard@Bakernet.com

By Fax (212) 805-7920

RE: ICQ (USA) Inc. v. Modern Testing Services, LLC. 10-Civ-6031 (SAS)

Dear Judge Scheindlin:

We represent Plaintiffs ICQ (USA) Inc. and Istituto Italiano Sicurezza dei Giocattoli S.r.l. (together, "ICQ") in the above-referenced matter which is before Your Honor. Pursuant to your scheduling order of September 1, 2010, we write to inform this Court that ICQ has not yet served the Complaint on the defendants in this matter, and that counsel for the defendants have not yet appeared in the action. Service has not yet been made because the parties have engaged in settlement negotiations which were anticipated to be completed prior to the date of the scheduled Pretrial Conference.

A settlement agreement is currently being negotiated between all parties. The parties therefore respectfully request an adjournment of the Pretrial Conference for 2 weeks, and fully anticipate that the conference will not be necessary because of settlement.

Sincerely,

Marcella Ballard

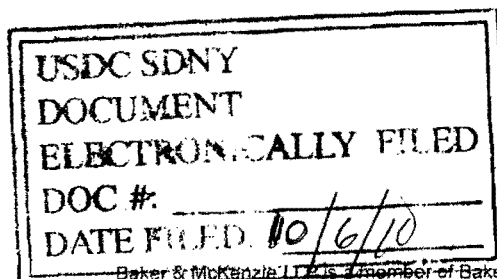
MB/jml

cc: Robert P. Tedesco, counsel for MSR Laboratories LLC and Mark Simonds (via email at [RTedesco@richmaylaw.com](mailto:RTedesco@richmaylaw.com))

George W. Skogstrom, Jr., counsel for Modern Testing Services, LLC and Hojun Park (via email at [gskogstrom@sabusinesslaw.com](mailto:gskogstrom@sabusinesslaw.com))

Parties' joint request for adjournment of the pretrial conference for 2 weeks is hereby granted. The conference is rescheduled from 10/6 at 4:30 p.m. to 10/18 at 4:30 p.m. No further extensions will be granted. So ordered.

Shira A. Scheindlin  
USDJ  
10/6/10



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